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08/889,889 07/08/97 SULLIVAN P 063074.0104

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EXAMINER

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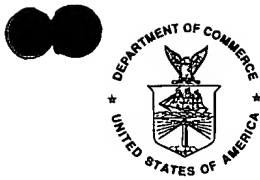
2713

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 11

Application Number: 08/889,889
Filing Date: July 08, 1997
Appellant(s): SULLIVAN ET AL.

Barton E. Showalter
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed May 8, 2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

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(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-21, 22-32 and 33-42 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,585,839

ISHIDA ET AL

12-1996

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-42 are rejected under 35 U.S.C. 102(e). This rejection is set forth in prior Office Action, Paper No. 4.

(11) *Response to Argument*

Simplistically, appellant's invention pertains to a video surveillance system in which a video camera is provided at a location wherein a financial transaction is conducted. Such a location can be a point-of-sale cash register, an automated teller machine (ATM) or the like. The video camera provides a visual record of a financial transaction event. The visual record along with data pertaining to the financial transaction and in some instances, audio data may be composed into a digital file. The digital file may then be stored at a server location and/or communicated to and from a remote client in real-time through a digital network.

Pertaining to group 1, appellant asserts that the Ishida et al patent fails to anticipate some of the above-mentioned aspects, particularly, the steps of performing a financial transaction data, generating a financial transaction data, and transmitting said financial transaction data through a digital communication network. The Examiner disagrees.

The Ishida et al patent at col. 1, lines 49-54 summarizes a video conversation and monitoring system which is not limited only to a visual guidance system, but also for

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video surveillance for various applications, including a financial transaction. The system accommodates real-time exchange of video, data and audio data between a central and remote stations through a digital ISDN network. (See also fig. 1 and/or fig. 3).

The Ishida et al patent at col. 13, line 56 to col. 14, line 9 clearly discloses an ATM booth end station which the system is fitted to use. At col. 17, lines 52-65, Ishida et al also discloses that the system can be applied to many types of applications which includes banking and retails. Examiner fails to understand why appellant insists that Ishida et al fails to anticipate the steps of performing a financial transaction, generating data from a financial transaction, and transmitting said data to a digital communications network. As shown in fig. 1, when the end station (3) is utilized as an ATM booth, financial transaction data is inherently performed and generated. Furthermore, at col. 1, lines 52-54, Ishida et al discloses "bidirectional transmission of sounds, images and data (emphasis added) among a plurality of terminal stations." The meaning of "data" would imply specific data relating to the intended application.

Pertaining to groups 2 and 3, appellant further asserts that Ishida et al fails to disclose accumulating and storing financial data and video as a digital file and transmitting the digital file using a communication network". Examiner disagrees.

The Ishida et al patent at col. 17, lines 38-45 clearly discloses digital storage capability. Again, in the "Summary of the Invention" (col. 1, lines 49-54), video, voice and data are bidirectionally exchanged to and from a central and end stations through a digital ISDN network (see fig.1, element 1). Ishida et al did not prescribed the manner in which the above-mentioned data are stored. However, since the system includes

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digital storage means, and it is disclosed that video, voice and data are digitally exchanged through an ISDN network, then it would have been necessitated to compose these data into a digital file prior to transmission through said ISDN digital network. Furthermore, if the Ishida et al system were utilized for monitoring a financial transaction such as in an ATM booth, then financial data would have been necessarily performed and generated along with video data. Thus, the composition of the financial data and video into a digital file as claimed would have been necessitated in the Ishida et al system.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Art Unit 2713

VL

July 16, 2000

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